

Due Date: October 22, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Inventors: David J. Kuether, et al.)	Examiner: Christopher L. Parry
)	
Serial #: 10/813,948)	Group Art Unit: 2623
)	
Filed: March 31, 2004)	Appeal No.: _____
)	
Title: SATELLITE TELEVISION NETWORK)	
AND NEAR REAL-TIME METHOD FOR)	
DOWNLOADING AND VERIFYING A)	
<u>SUBSCRIBER REMOTE RECORD REQUEST</u>)	

BRIEF OF APPELLANTS

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §41.37, Appellants' attorney hereby submits the Brief of Appellants on appeal from the final rejection in the above-identified application as set forth in the Office Action dated March 25, 2008.

Please charge the amount of \$540.00 to cover the required fee for filing this Brief as set forth under 37 C.F.R. §41.20(b)(2) to Deposit Account No. 50-0383 of The DirecTV Group, Inc. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0383.

I. REAL PARTY IN INTEREST

The real party in interest is The DirecTV Group Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-23 are pending in the application.

Claims 1-4, 9-11, 18 and 20 were rejected under 35 USC 103(a) as being unpatentable over Wagner et al. in US Patent 7,207,056 in view of Hirata (US 6,374,406) and further in view of Ellis (US Pub. No. 2004/0103434). Claims 5, 7 and 8 are rejected over Wagner, Hirata and Ellis and further in view of Marolda (US Pub. No. 2003/0009766). Claim 6 is rejected over Wagner, Hirata and Ellis and further in view of Marolda, and further in view of Goode (U.S. Pub. No. 2004/0083492). Claims 12 and 23 are rejected over Wagner, Hirata and Ellis and further in view of Westbrook (U.S. Pub. No. 2005/0050577). Claim 13 is rejected over Wagner, Hirata and Ellis and further in view of Westbrook and Marolda. Claims 14-16 and 22 are rejected over Wagner, Hirata and Ellis and further in view of Goode. Claim 17 is rejected over Wagner, Hirata and Ellis and further in view of Goode and Westbrook. Claims 19 and 21 are rejected over Wagner, Hirata and Ellis and further in view of Goode.

Claims 1-23 are being appealed.

IV. STATUS OF AMENDMENTS

No amendments have been made subsequent to the latest Office Action.

V. SUMMARY OF THE INVENTION

Appellants' invention as recited in independent claim 1 is directed to a method of downloading a remote record request (57) to control a recording device, comprising a subscriber using a subscriber input device (52) to access a programming guide (78), select a program and

submit a remote record request (57) including a program code and a subscriber ID, sending the remote record request (57) to a broadcast center (12), inserting the remote record request (57) into a broadcast stream (102), transmitting the broadcast stream (102), downloading the remote record request (57) at a subscriber site, determining whether the remote record request (57) is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed, validating the request to determine whether the selected program can be recorded, sending a verification response from the subscriber site to the subscriber's input device, said verification response comprising either a positive verification response (90) if validated to affirm receipt and execution of the remote record request (57) or a negative verification response (86) if not validated to reject the remote record request (57) and display a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection, if rejected, the subscriber using the subscriber input device (52) to view the conflict message and submit an override message (88) to the broadcast center (12) for transmission to the subscriber site, and if confirmed, and validated or overridden, tagging the program code for recording on the recording device.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

Appellants' dependent claim 2, which is dependent on claim 1, further recites inserting the remote record request (57) into a MPT packet (92), and inserting the MPT packet into a transport packet in the broadcast stream (102).

See, e.g., page 10, line 26 through page 11, line 4, and FIGS. 3a-3b.

Appellants' dependent claim 3, which is dependent on claim 1, recites that the conflict message provides at least one reason the remote record request (57) was rejected and at least one subscriber selectable option to override the conflict.

See, e.g., page 10, line 5 through page 10, line 10, and FIG. 4d.

Appellants' dependent claim 4, which is dependent on claim 3, recites that the at least one reason includes a programming conflict and/or lack of recording device memory available

and the at least one subscriber selectable option includes overriding the programming conflict and/or deleting programming from the recording device.

See, e.g., page 10, line 5 through page 10, line 10, and FIG. 4d.

Appellants' dependent claim 5, which is dependent on claim 1, further recites validating a portion of the remote record request (57) at the broadcast center (12), and validating another portion of the remote record request (57) at the subscriber site.

See, e.g., page 9, line 29 through page 10, line 14, and page 11, line 16 through page 11, line 31.

Appellants' dependent claim 6, which is dependent on claim 5, recites that if either the subscriber ID or whether the request is included in a service package are not validated, the broadcast center (12) sends a negative verification response (86) to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package, if either a programming conflict or the recording device's ability to record are not validated, the subscriber site sends a negative verification response (86) to the subscriber rejecting the request and prompting the subscriber to override, and if the request is validated at both the broadcast center (12) and the subscriber site, the subscriber site sends a positive verification response (90) to the subscriber verifying execution of the request.

See, e.g., page 9, line 29 through page 10, line 14, and page 11, line 16 through page 11, line 31.

Appellants' dependent claim 7, which is dependent on claim 5, further recites validating at least one of the following at the broadcast center (12): validating that the selected program does not exceed a ratings limit, validating that the selected program does not exceed a billing limit, and validating that the remote record request (57) is a feature included in a service package.

See, e.g., page 9, line 29 through page 10, line 14.

Appellants' dependent claim 8, which is dependent on claim 5, further recites that if either portion of the remote record request (57) is not validated, sending a negative verification response (86) that rejects the remote record request (57) and prompts the subscriber to override any conflicts that gave rise to the rejection from the broadcast center (12) and subscriber site, respectively.

See, e.g., page 9, line 29 through page 10, line 14, and page 11, line 16 through page 11, line 31.

Appellants' dependent claim 9, which is dependent on claim 4, further recites that in response to receipt of the override message (88) at the subscriber site, further comprising: removing the tag from the conflicting program and/or deleting recorded programming for the recording device; and tagging the program code of the current selection for recording on the recording device.

See, e.g., page 12, line 2 through page 13, line 4.

Appellants' dependent claim 10, which is dependent on claim 9, further recites that the input device accesses a remotely maintained program guide in near real-time over a network.

See, e.g., page 7, lines 2-6.

Appellants' dependent claim 11, which is dependent on claim 9, further recites that the program guide is downloaded off-line and stored in the input device.

See, e.g., page 9, lines 15-20.

Appellants' claim 12 recites a method of downloading a remote record request (57) to control a recording device, comprising: using a subscriber input device (52) to access a programming guide (78), select a program and submit a remote record request (57) including a program code and a subscriber ID, broadcasting the remote record request (57) via a satellite, downloading the remote record request (57) at a subscriber site, validating whether the remote record request (57) is directed to the subscriber site by comparing the subscriber ID to a

subscriber site ID, and, if confirmed, validating that the remote record request (57) does not conflict with a previous record request, validating that the recording device has sufficient memory to record the selected program, if validated, tagging the program code for recording on the recording device and sending a positive validation response to the subscriber input device (52), and if not validated, sending a negative verification response (86) to the subscriber input device (52) that rejects the remote record request (57) and displays a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

Appellants' dependent claim 13, which is dependent on claim 12, further recites validating that the selected program does not exceed a ratings limit, validating that the selected program does not exceed a billing limit, validating that the selected program is included in a subscriber service package, and validating that the remote record request (57) capability is included in the subscriber service package.

See, e.g., page 9, line 33 through page 10, line 14.

Appellants' claim 14 recites a method of downloading a remote record request (57) to control a recording device, comprising: using an input device to access a programming guide (78), select a program and submit a remote record request (57) including a program code and a subscriber ID, sending the remote record request (57) over a link to a satellite broadcast center (12), validating the request to confirm the subscriber ID and whether the selected program is included in a subscriber service package, if invalid sending a negative verification response (86) from the broadcast center (12) to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package, broadcasting the remote record request (57) via a satellite, downloading the remote record request (57) at a subscriber site, determining whether the remote record request (57) is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed, validating the request to determine whether the selected program can be recorded, and if validated, tagging the program code for recording on the recording device and sending a positive validation response to the subscriber,

and if not validated, sending a negative verification response (86) that rejects the remote record request (57) and displays a message to prompt the subscriber to override any conflicts that gave rise to the rejection.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

Appellants' dependent claim 15, which is dependent on claim 14, further recites inserting the remote record request (57) into an MPT packet (92); and inserting the MPT packet into a transport packet that is broadcast via the satellite.

See, e.g., page 10, line 26 through page 11, line 4.

Appellants' dependent claim 16, which is dependent on claim 14, further recites validating the request to open the link to a satellite broadcast center (12).

See, e.g., page 9, line 29 through page 10, line 14.

Appellants' dependent claim 17, which is dependent on claim 14, further recites the request being validated to determine whether the selected can be recorded by, checking for a time conflict with previous record requests; and checking for adequate remaining memory in the record device.

See, e.g., page 11, line 14 through page 11, line 31.

Appellants' claim 18 recites a satellite broadcast network, comprising: a subscriber input device (52) for accessing an interactive programming guide (78) for subscriber selection of a program, said input device transmitting the remote record request (57) including a program code and a subscriber ID, a satellite broadcast center (12) (SBC) configured to receive the remote record request (57), validate and insert the request into a broadcast stream (102) for transmission via satellite, a plurality of subscriber sites each having antenna, an integrated receiver decoder (IRD) and a recording device, said IRD configured to decode the request from the broadcast stream (102), compare the subscriber ID to a stored ID, determine whether the selected program can be recorded and, if valid, tag the program code for recording on the recording device; a back

channel outside the satellite network connecting the subscriber IRD to the subscriber input device (52), said IRD sending a verification response via the back channel to the input device, said verification response comprising either a positive verification response (90) if validated to affirm receipt and execution of the remote record request (57) or a negative verification response (86) if not validated to reject the remote record request (57) and display a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

Appellants' dependent claim 19, which is dependent on claim 18, further recites that the SBC comprises: an I/O port (58) for receiving the remote record request (57); a billing center having a record of subscribers and subscribed services; a validation switch (60) that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request (57); a bridge router (32) that for validated requests inserts the subscriber ID and the program code into a MPT packet (92); and an uplink system that inserts the MPT packet (92) into a transport packet and transmits the transport packet to the satellite.

See, e.g., page 9, line 29 through page 10, line 15.

Appellants' dependent claim 20, which is dependent on claim 18, further recites that the IRD is configured to receive an override message (88) from the subscriber input device (52) to override any conflicts that prompted the negative verification response, resolve the conflicts and tag the program code for recording on the recording device.

See, e.g., page 11, line 32 through page 13, line 4.

Appellants' dependent claim 21, which is dependent on claim 18, further recites that the SBC sends a negative verification response (86) to the subscriber input device (52) rejecting the request and prompting the subscriber to sign up for a required service package if either the subscriber ID or the required service package are not validated, and wherein the subscriber site sends a negative verification response (86) to the subscriber input device (52) rejecting the

request and prompting the subscriber to override if either a programming conflict or the recording device's ability to record are not validated.

See, e.g., page 11, line 32 through page 13, line 4.

Appellants' claim 22 recites a satellite broadcast center (12) for delivering a remote record request (57), comprising: an I/O port (58) for receiving a remote record request (57) including a program code and a subscriber ID from a subscriber input device (52); a billing center having a record of subscribers and subscribed services; a validation switch (60) that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request (57); a bridge router (32) that for validated requests inserts the subscriber ID and the program code for into a MPT packet (92); an uplink system that inserts the MPT packet (92) into a transport packet and transmits the transport packet to a satellite for transmission to a subscriber integrated receiver decoder (IRD); and a conditional access management center (CAMC) receives a verification response via a backchannel from the IRD and forwards the response via the I/O port (58) to the subscriber input device (52), said verification response comprising either a positive verification response (90) if validated to affirm receipt and execution of the remote record request (57) or a negative verification response (86) if not validated to reject the remote record request (57) and display a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

Appellants' claim 23 recites a subscriber site for downloading a remote record request (57), comprising: a recording device including memory, a back channel, an antenna that receives a broadcast stream (102) including a packet containing a subscriber ID and a program code, and an integrated receiver decoder (IRD) that checks the subscriber ID against a stored ID, checks for a time conflict with previous record requests and checks for adequate remaining memory in the record device and, if valid, tags the program code so that the recording device will record the selected program, said IRD sending over the back channel either a positive verification response (90) that affirms receipt and execution of the remote record request (57) or

a negative verification response (86) that rejects the remote record request (57) and prompts the subscriber to override any conflicts that gave rise to the rejection.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-4, 9-11, 18 and 20 are obvious under 35 USC 103(a) as being unpatentable over Wagner et al. (US 7,207,056) in view of Hirata (US 6,374,406) and further in view of Ellis (US Pub. No. 2004/0103434).

2. Whether claims 5, 7 and 8 are obvious under 35 U.S.C. § 103 as being unpatentable over Wagner, Hirata and Ellis and further in view of Marolda (US Pub. No. 2003/0009766).

3. Whether claim 6 is obvious over Wagner, Hirata and Ellis and further in view of Marolda, and further in view of Goode (U.S. Pub. No. 2004/0083492).

4. Whether claims 12 and 23 are obvious over Wagner, Hirata and Ellis and further in view of Westbrook (U.S. Pub. No. 2005/0050577).

5. Whether claim 13 is obvious over Wagner, Hirata and Ellis and further in view of Westbrook and Marolda.

6. Whether claims 14-16 and 22 are obvious under 35 U.S.C. § 103 as being unpatentable over Wagner, Hirata and Ellis and further in view of Goode (US Pub No. 2004/0083492).

7. Whether claim 17 is obvious over Wagner, Hirata and Ellis and further in view of Goode and Westbrook.

8. Whether claims 19 and 21 are obvious over Wagner, Hirata and Ellis and further in view of Goode.

VII. ARGUMENTS1. Independent Claims 1, 12, 14, 18, 22, and 23

Appellants' invention as recited in independent claim 1 is directed to a method of downloading a remote record request (57) to control a recording device, comprising a subscriber using a subscriber input device (52) to access a programming guide (78), select a program and submit a remote record request (57) including a program code and a subscriber ID, sending the remote record request (57) to a broadcast center (12), inserting the remote record request (57) into a broadcast stream (102), transmitting the broadcast stream (102), downloading the remote record request (57) at a subscriber site, determining whether the remote record request (57) is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed, validating the request to determine whether the selected program can be recorded, sending a verification response from the subscriber site to the subscriber's input device, said verification response comprising either a positive verification response (90) if validated to affirm receipt and execution of the remote record request (57) or a negative verification response (86) if not validated to reject the remote record request (57) and display a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection, if rejected, the subscriber using the subscriber input device (52) to view the conflict message and submit an override message (88) to the broadcast center (12) for transmission to the subscriber site, and if confirmed, and validated or overridden, tagging the program code for recording on the recording device.

See, e.g., page 8, line 25 through page 13, line 4, and FIGS. 3a-3b.

Claims 18-21 are specifically directed to a satellite broadcast system for transmitting the remote record request via satellite to a subscriber IRD and a back channel outside the satellite network for transmitting the verification response back to the subscriber's input device.

The Office Action asserts that Wagner teaches all of the elements of the claim except for the limitation of a sending a verification response and displaying a conflict message, which the Office Action asserts is taught by Hirata. The Office Action also asserts that Wagner and Hirata are capable of being combined in such a way that it would be obvious to modify Wagner with Hirata to arrive at the claims of the present invention.

Wagner teaches a One-Way System with Pre-Determined Settings

The Office Action cites Wagner's "conflict resolution attribute" as handling a conflict between the task currently being scheduled and any previously existing tasks, and specifically cites to Col. 7, lines 47-52 of Wagner.

The Office Action admits that Wagner is silent on disclosing sending a verification from the subscriber site to the subscriber's input device, and also admits that Wagner is silent on displaying a conflict message to prompt the subscriber to override any conflicts. The Office Action relies on Hirata to teach these limitations.

These admissions are appropriate, since Wagner's remote task scheduling for a set top box exists in the context of a unidirectional broadcast system. Such systems may have a return channel, however, the user cannot remotely program the set top box to establish the return channel (see Col. 2, lines 30-45). Wagner's remote scheduling is thus configured for use in a unidirectional broadcast. Wagner periodically resends the request according to a pre-determined schedule to insure that the scheduling request is received by the set top box (col. 3, lines 4-7), but no notification is ever received by the user.

Simply put, Wagner does not require user notification because the user cannot override any conflicts remotely in any event. Wagner's "conflict resolution attribute" that resolves any such conflicts completely relies on default or user settings (col. 7, lines 47-52) that have been established prior to the scheduling request. Thus, Wagner's solution to ensuring the request is received by the set-top box/recorder and providing conflict resolution is designed to specifically avoid a two-way communications link, because the notification to the user is irrelevant in Wagner's system.

Since the user cannot reset the conflict resolution attributes remotely, nor can the user even know or be reminded of the conflict resolution attributes from a remote location, there is not only a lack of motivation to have a conflict notification message sent to the user, Wagner specifically teaches away from any system that uses a conflict notification message. As such, the Office Action is correct that Wagner is 'silent' regarding sending a verification response, however, the Office Action's combination of Wagner with any system that uses a verification

response or conflict notification message sent to the user is legally and technically in error, and thus, the rejections under 35 U.S.C. § 103 cannot stand.

Hirata teaches a Two-Way System on the Same Channel

By comparison Hirata describes a method of controlling electric appliances such as televisions by transmitting electronic mail over a single bi-directional network, i.e., the Internet. The user submits a remote record request using electronic mail that is transmitted over the bi-directional network to a gateway connected to the television. The gateway evaluates the record request and generates an electronic mail (positive or negative validation) that is transmitted over the bi-directional network back to the user.

There is no "back channel" or alternative communications channel that is used as a different communications system for sending the recording request and receiving the validation. In the present invention, the subscriber input device (52) sends the remote record request (57), which is sent to the subscriber site via a broadcast stream (102). The broadcast stream is not used to send the validation to the subscriber input device in the present invention.

Yet, when comparing Hirata to the present invention, the Office Action appears to interpret Hirata in such a way that the broadcast stream (102) is used to send the remote record request and to send the validation back to the user. This interpretation is clearly incongruous with the teachings and the claims of the present invention.

Further, such a system, as described above, is not compatible with Wagner's unidirectional system. Even if Wagner and Hirata were able to be combined, either all of the information would travel on the satellite system in both directions (the Wagner satellite system combined with the two-way capability of Hirata), or all of the information would travel on the Internet (the two-way system of Hirata combined with the teachings of Wagner). Neither of these systems teach the limitations of the present invention.

As such, reliance on Hirata is equally misplaced, as Hirata does not teach the claim limitations as suggested by the Office Action. The Ellis reference, cited for other reasons in the Office Action, does not remedy this deficiency.

The References Must Be Viewed as a Whole

To properly combine these two references, the Office Action must consider the teachings of the Wagner and Hirata references as a whole. The Office Action fails to consider the entirety of the teachings, and uses impermissible hindsight and selective, out-of-context teachings from the Wagner and Hirata references to reject the claims of the present invention.

For example, Wagner's remote task scheduling is specifically configured for a unidirectional broadcast network, and specifically teaches avoiding the use of a return channel even if such a return channel is available, as discussed in Wagner, Col. 2, lines 39-46. Yet, the Office Action insists that Wagner is compatible and combinable with Hirata, which teaches the use of a return channel. Wagner further teaches that all of the conflicts are resolved using pre-existing rules that cannot be changed, verified, or overridden from a remote location, in conflict with Hirata and the present invention.

Hirata teaches sending a verification response in the context of a single bi-directional network, which is also used to send the recording request. Rather than reading the teachings of the references as a whole, the Office Action ignores the teaching away in Wagner of the use of a return channel and the *a priori* conflict rules, and combines these incompatible teachings with the single network of Hirata to reject the claims. Such selective choosing of the Wagner and Hirata teachings is not only out of context from the motivations and objects of the Wagner and Hirata references, these teachings are irreconcilable.

As such, when the references are read as a whole, it is clear that the Wagner and Hirata references are incompatible. Even if the teachings of the references can be broadly construed, the motivations and suggestions in each of the references, as well as the technical intricacies of the references, cannot be overlooked.

The remainder of the ancillary references cited in the Office Action do not overcome these deficiencies found in Wagner and Hirata. Instead, the remainder of the references, namely, Ellis, Marolda, Westbrook, and Goode, either cannot be combined with Wagner for the same reasons that Hirata is not combinable with Wagner, or do not teach the limitations required to overcome the above-mentioned deficiencies. As such, the independent claims are patentable over the cited references.

2. Dependent Claims 2-4, 9, 10, and 11

With regards to dependent claim 2-4, 9, 10, and 11, the Office Action rejects these claims as per claim 1.

Appellants' attorney respectfully submits that these claims stand or fall with the independent claim, and thus are not argued separately.

3. Dependent Claims 5-8

The Office Action rejects claims 5, 7 and 8 as obvious under 35 U.S.C. § 103 as being unpatentable over Wagner, Hirata and Ellis and further in view of Marolda (US Pub. No. 2003/0009766).

Appellants' dependent claim 5, which is dependent on claim 1, further recites validating a portion of the remote record request (57) at the broadcast center (12), and validating another portion of the remote record request (57) at the subscriber site.

See, e.g., page 9, line 29 through page 10, line 14, and page 11, line 16 through page 11, line 31.

As described above, Wagner does not teach validation. Hirata and/or Marolda are relied upon by the Office Action to teach validation.

However, in addition to teaching a single two-way network, in contrast to the claims as described above, Hirata teaches validation at a single location, namely, the CPU 22a, in Col. 6, lines 1-63, and FIG. 6. As such, Hirata cannot teach or suggest having part of the remote record request validated at the broadcast center and part of the remote record request validated at the subscriber site.

The ancillary Ellis and Marolda references do not remedy this deficiency, and thus, do not teach nor suggest the limitations of these claims.

4. Dependent Claims 13, 15-17, and 19-21

With regards to dependent claims 13, 15-17, and 19-21, the Office Action rejects these claims under 35 U.S.C. § 103, in a similar manner as claims 12, 14, and 18.

Appellants' attorney respectfully submits that these claims stand or fall with their respective independent claims, and thus are not argued separately.

VIII. CONCLUSION

In light of the foregoing arguments, Appellants' attorney respectfully submits that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application are respectfully solicited.

Respectfully submitted,

Date: October 22, 2008



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CLAIMS APPENDIX

1. (Previously Presented) A method of downloading a remote record request to control a recording device, comprising:

a subscriber using a subscriber input device to access a programming guide, select a program and submit a remote record request including a program code and a subscriber ID,

sending the remote record request to a broadcast center,

inserting the remote record request into a broadcast stream,

transmitting the broadcast stream,

downloading the remote record request at a subscriber site,

determining whether the remote record request is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed,

validating the request to determine whether the selected program can be recorded,

sending a verification response from the subscriber site to the subscriber's input device, said verification response comprising either a positive verification response if validated to affirm receipt and execution of the remote record request or a negative verification response if not validated to reject the remote record request and display a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection,

if rejected, the subscriber using the subscriber input device to view the conflict message and submit an override message to the broadcast center for transmission to the subscriber site, and

if confirmed, and validated or overridden, tagging the program code for recording on the recording device.

2. (Original) The method of claim 1, further comprising:

inserting the remote record request into a MPT packet; and

inserting the MPT packing into a transport packet in the broadcast stream.

3. (Previously Presented) The method of claim 1, wherein the conflict message provides at least one reason the remote record request was rejected and at least one subscriber selectable option to override the conflict.

4. (Previously Presented) The method of claim 3, wherein the at least one reason includes a programming conflict and/or lack of recording device memory available and the at least one subscriber selectable option includes overriding the programming conflict and/or deleting programming from the recording device.

5. (Previously Presented) The method of claim 1, further comprising:
validating a portion of the remote record request at the broadcast center, and
validating another portion of the remote record request at the subscriber site.

6. (Previously Presented) The method of claim 5, wherein
If either the subscriber ID or whether the request is included in a service package are not validated, the broadcast center sends a negative verification response to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package,

If either a programming conflict or the recording device's ability to record are not validated, the subscriber site sends a negative verification response to the subscriber rejecting the request and prompting the subscriber to override, and

If the request is validated at both the broadcast center and the subscriber site, the subscriber site sends a positive verification response to the subscriber verifying execution of the request.

7. (Previously Presented) The method of claim 5, further comprising validating at least one of the following at the broadcast center:

validating that the selected program does not exceed a ratings limit,
validating that the selected program does not exceed a billing limit, and
validating that the remote record request is a feature included in a service

package.

8. (Previously Presented) The method of claim 5, further comprising, if either portion of the remote record request is not validated, sending a negative verification response that rejects the remote record request and prompts the subscriber to override any conflicts that gave rise to the rejection from the broadcast center and subscriber site, respectively.

9. (Previously Presented) The method of claim 4, in response to receipt of the override message at the subscriber site, further comprising:

removing the tag from the conflicting program and/or deleting recorded programming for the recording device; and

tagging the program code of the current selection for recording on the recording device.

10. (Original) The method of claim 9, wherein the input device accesses a remotely maintained program guide in near real-time over a network.

11. (Original) The method of claim 9, wherein the program guide is downloaded off-line and stored in the input device.

12. (Previously Presented) A method of downloading a remote record request to control a recording device, comprising:

using a subscriber input device to access a programming guide, select a program and submit a remote record request including a program code and a subscriber ID,

broadcasting the remote record request via a satellite,

downloading the remote record request at a subscriber site,

validating whether the remote record request is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed,

validating that the remote record request does not conflict with a previous record request,

validating that the recording device has sufficient memory to record the selected program,

if validated, tagging the program code for recording on the recording device and sending a positive validation response to the subscriber input device, and

if not validated, sending a negative verification response to the subscriber input device that rejects the remote record request and displays a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection.

13. (Previously Presented) The method of claim 12, further comprising at least one of the following:

- validating that the selected program does not exceed a ratings limit,
- validating that the selected program does not exceed a billing limit,
- validating that the selected program is included in a subscriber service package,

and

- validating that the remote record request capability is included in the subscriber service package.

14. (Previously Presented) A method of downloading a remote record request to control a recording device, comprising:

- using an input device to access a programming guide, select a program and submit a remote record request including a program code and a subscriber ID,

- sending the remote record request over a link to a satellite broadcast center,

- validating the request to confirm the subscriber ID and whether the selected program is included in a subscriber service package, if invalid sending a negative verification response from the broadcast center to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package,

- broadcasting the remote record request via a satellite,

- downloading the remote record request at a subscriber site,

- determining whether the remote record request is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed,

- validating the request to determine whether the selected program can be recorded, and

- if validated, tagging the program code for recording on the recording device and sending a positive validation response to the subscriber, and

- if not validated, sending a negative verification response that rejects the remote record request and displays a message to prompt the subscriber to override any conflicts that gave rise to the rejection.

15. (Original) The method of claim 14, further comprising:
inserting the remote record request into an MPT packet; and
inserting the MPT packing into a transport packet that is broadcast via the
satellite.
16. (Original) The method of claim 14, further comprising validating the request to
open the link to a satellite broadcast center.
17. (Original) The method of claim 14, wherein the request is validated to determine
whether the selected can be recorded by,
checking for a time conflict with previous record requests; and
checking for adequate remaining memory in the record device.
18. (Previously Presented) A satellite broadcast network, comprising:
a subscriber input device for accessing an interactive programming guide for
subscriber selection of a program, said input device transmitting the remote record request
including a program code and a subscriber ID,
a satellite broadcast center (SBC) configured to receive the remote record request,
validate and insert the request into a broadcast stream for transmission via satellite,
a plurality of subscriber sites each having antenna, an integrated receiver decoder
(IRD) and a recording device, said IRD configured to decode the request from the broadcast
stream, compare the subscriber ID to a stored ID, determine whether the selected program can
be recorded and, if valid, tag the program code for recording on the recording device;
a back channel outside the satellite network connecting the subscriber IRD to the
subscriber input device, said IRD sending a verification response via the back channel to the
input device, said verification response comprising either a positive verification response if
validated to affirm receipt and execution of the remote record request or a negative verification
response if not validated to reject the remote record request and display a conflict message to
prompt the subscriber to override any conflicts that gave rise to the rejection.

19. (Original) The satellite broadcast network of claim 18, wherein the SBC comprises:

- an I/O port for receiving the remote record request;
- a billing center having a record of subscribers and subscribed services;
- a validation switch that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request;
- a bridge router that for validated requests inserts the subscriber ID and the program code into a MPT packet; and
- an uplink system that inserts the MPT packet into a transport packet and transmits the transport packet to the satellite.

20. (Previously Presented) The satellite broadcast network of claim 18, wherein the IRD is configured to receive an override message from the subscriber input device to override any conflicts that prompted the negative verification response, resolve the conflicts and tag the program code for recording on the recording device.

21. (Previously Presented) The satellite broadcast network of claim 18, wherein the SBC sends a negative verification response to the subscriber input device rejecting the request and prompting the subscriber to sign up for a required service package if either the subscriber ID or the required service package are not validated, and wherein the subscriber site sends a negative verification response to the subscriber input device rejecting the request and prompting the subscriber to override if either a programming conflict or the recording device's ability to record are not validated.

22. (Previously Presented) A satellite broadcast center for delivering a remote record request, comprising:

- an I/O port for receiving a remote record request including a program code and a subscriber ID from a subscriber input device;
- a billing center having a record of subscribers and subscribed services;
- a validation switch that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request;

a bridge router that for validated requests inserts the subscriber ID and the program code for into a MPT packet;

an uplink system that inserts the MPT packet into a transport packet and transmits the transport packet to a satellite for transmission to a subscriber integrated receiver decoder (IRD); and

a conditional access management center (CAMC) receives a verification response via a backchannel from the IRD and forwards the response via the I/O port to the subscriber input device, said verification response comprising either a positive verification response if validated to affirm receipt and execution of the remote record request or a negative verification response if not validated to reject the remote record request and display a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection.

23. (Previously Presented) A subscriber site for downloading a remote record request, comprising:

a recording device including memory,

a back channel,

an antenna that receives a broadcast stream including a packet containing a subscriber ID and a program code, and

an integrated receiver decoder (IRD) that checks the subscriber ID against a stored ID, checks for a time conflict with previous record requests and checks for adequate remaining memory in the record device and, if valid, tags the program code so that the recording device will record the selected program, said IRD sending over the back channel either a positive verification response that affirms receipt and execution of the remote record request or a negative verification response that rejects the remote record request and prompts the subscriber to override any conflicts that gave rise to the rejection.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.